

**REMARKS/ARGUMENTS**

Applicant submits this Amendment in reply to the Office Action mailed July 1, 2005.

In this Amendment, Applicant cancels claim 1 and adds claims 38-55. Before entry of this Amendment claims 1 and 20-37 were pending in this application. After entry of this Amendment, claims 20-55 are pending in this application.

In the Office Action, the Examiner rejected claim 1 under 35 U.S.C. § 102(b) as being anticipated by European Patent Application EP 468580 to Bierens; rejected claims 1, 20-27, 29, and 33 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,138,307 to Rost; rejected claim 30 under 35 U.S.C. § 103(a) as being unpatentable over Rost in view of U.S. Patent 4,010,058 to Kubinski et al.; rejected claim 28 under 35 U.S.C. § 103(a) as being unpatentable over Rost and further in view of U.S. Patent No. 4,547,251 to Landsness; and rejected claims 34-37 under 35 U.S.C. § 103(a) as being unpatentable over Rost in view of at least one of U.S. Patent No. 4,131,500 to Wilde et al., U.S. Patent No. 3,645,828 to Balle et al., and U.S. Patent No. 4,362,592 to Ruppel.

The Examiner also objected to claims 31 and 32 but stated that these claims “would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.” Office Action, page 4, ¶ 6.

Applicant gratefully acknowledges the Examiner’s indication of allowable subject matter in claims 31 and 32.

Applicant respectfully traverses the Examiner's rejections for at least the reasons discussed below.

Rejection Under 35 U.S.C. § 102(b) - Bierens

Applicant respectfully traverses the rejection of claim 1 under 35 U.S.C. § 102(b) as being anticipated by Bierens, and notes that this rejection is moot in light of the cancellation of this claim.

Rejection Under 35 U.S.C. § 102(b) - Rost

Applicant respectfully traverses the rejection of claims 1, 20-27, 29, and 33 under 35 U.S.C. § 102(b) as being anticipated by Rost. In order to properly establish that Bierens anticipates Applicant's claimed invention under 35 U.S.C. § 102, each and every element of each of the claims in issue must be found, either expressly described or under principles of inherency, in that single reference. Furthermore, "[t]he identical invention must be shown in as complete detail as is contained in the ... claim." See M.P.E.P. § 2131, quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1126, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).

At the outset, Applicant notes that the Examiner's rejection is moot with respect to cancelled claim 1. Further, Rost does not disclose each and every element of Applicant's claimed invention. Claim 20, for example, recites "a supporting member . . . linked, relative to said holding member in a position axially-internal to the holding member. . . to provide a supporting seat to at least one ply being part of said carcass sleeve."

The Examiner asserts that Rost includes “a holding member . . . defining a bead engagement seat and an axially internal supporting member . . . axially movable between spaced and an abutting position.” Office Action, pages 2-3. The only external components of Rost, however, that are axially-internal to the elements 21/22 and 49/51 (see Office Action, p. 2), are gasket 47 and plates 27. Rost does not teach or suggest either gasket 47 or plates 27 as providing a support seat for a carcass sleeve. See Rost, Figs. 1-4. Accordingly, Rost does not teach or suggest “a supporting member . . . linked, relative to said holding member in a position axially-internal to the holding member. . . to provide a supporting seat to at least one ply being part of said carcass sleeve,” as recited in claim 20. Applicant therefore respectfully requests the Examiner to reconsider and withdraw the rejection of claim 20 as being anticipated by Rost, under 35 U.S.C. § 102(b).

Claims 21-27, 29, and 33 respectively depend from claim 20, and thus, contain all the elements and limitations thereof. Accordingly, dependent claims 21-27, 29, and 33 are allowable at least by virtue of their dependence from independent claim 20.

Claim Rejections Under 35 U.S.C. § 103(a)

Applicant submits that claims 28, 30, and 34-37 are patentable under 35 U.S.C. 103(a) over the cited references, including Rost, Kubinski et al., Landsness, Balle et al., and Ruppel. This is true whether such art is considered alone or in combination.

“To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one

of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).” M.P.E.P. § 2142, 8th Ed., Rev. 2 (May 2004), p. 2100-128.

A *prima facie* case of obviousness has not been established because, among other things, none of Rost, Kubinski et al., Landsness, Wilde et al., Balle et al., or Ruppel, nor their combination, teaches or suggests each and every feature of Applicant's claims. Rost, as discussed above, fails to teach “a supporting member . . . linked, relative to said holding member in a position axially-internal to the holding member. . . to provide a supporting seat to at least one ply being part of said carcass sleeve,” as recited in claim 20. Further, Kubinski et al., Landsness, Wilde et al., Balle et al., and Ruppel, are silent as to the claimed supporting member, and the Examiner does not rely on these references for such teachings either.

For at least these reasons, Kubinski et al., Landsness, Wilde et al., Balle et al., and Ruppel do not overcome the above-noted deficiencies of Rost. Claims 28, 30, and 34-37 are thus allowable at least by virtue of their dependence from independent claim 20.

#### New Claims 38-55

New independent claim 38 is substantially similar to independent claim 20, but further recites “wherein the supporting members abut against each other by respective

abutment surfaces, during translation of the first and second halves towards the approaching condition and in the approaching condition.” In constrast, for example, Applicant advises that plates 27 of Rost abut against each other only in the approaching condition. New claim 38 is thus allowable over Rost, Kubinski et al., Landsness, Wilde et al., Balle et al., and Ruppel, at least for reasons discussed above in regard to claim 20. In addition, claims 39-55, which correspond to claims 21-37, respectively, are allowable for reasons discussed above and at least due to their dependence from claim 38.

#### Claim Scope

In discussing the specification, claims, abstract, and drawings in this Amendment, it is to be understood that Applicant is in no way intending to limit the scope of the claims to any exemplary embodiments described in the specification or abstract and/or shown in the drawings. Rather, Applicant believes that Applicant is entitled to have the claims interpreted broadly, to the maximum extent permitted by statute, regulation, and applicable case law.

Summary

In view of the foregoing amendments and remarks, Applicant respectfully requests the reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

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By: 

David L. Soltz  
Reg. No. 34,731